

Jeffords – Sarbanes/Norton – Waxman
“Lead-Free Drinking Water Act of 2005”
Summary
June 29, 2005

To amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided a safe, lead-free supply of drinking water.

NATIONAL PRIMARY DRINKING WATER REGULATION REVISION. Requires the Environmental Protection Agency (EPA) to review and revise the national primary drinking water regulation for lead within 18 months after the date of enactment. The revised regulation shall (1) provide the maximum feasible protection for individuals that affected, particularly such as infants, children, and pregnant and lactating women; and women; and (2) establish a maximum contaminant level (MCL) for lead in drinking water as measured at the tap, or, if EPA determines that it is not practicable to establish such a level, the Agency shall establish a treatment technique to prevent adverse health effects. Requires that any new standard be at least as protective as the current regulations.

LEAD SERVICE LINE REPLACEMENT.

Accelerates and ensures complete replacement of lead service lines in systems that exceed the MCL or action level for lead in national primary drinking water regulations:

- Upon exceeding the MCL or action level for lead under the national primary drinking water regulations, a water system must replace at least 10 percent of its lead service lines annually until they are gone.
- Priority is given to non-lead free lines that convey water to homes with high lead test results, and homes and other buildings, such as day care facilities and schools, used by infants, children, and pregnant and lactating women.
- Eliminate the existing loophole allowing systems to avoid replacing lead service lines by conducting water tests.
- Establishes community water systems or nontransient noncommunity water systems as the responsible entity to replace lead service lines, including those owned by homeowners. Gives homeowners the final authority to determine if their lead service line is replaced.
- Notification to homeowners must be in English or other appropriate language.
- Establishes a lead service line replacement fund that authorizes \$200 million per year for 2006 through 2010. Provides \$40 million per year to the District of Columbia.

PUBLIC NOTICE

- Upon exceedance of the MCL or action level for lead, community water systems or nontransient noncommunity water systems will, within 30 days, deliver notice to all customers of the scope of the testing, the results, and corrective actions to be taken. A warning will be provided on all water bills regarding the presence of a public health risk from high lead levels in the drinking water. Repeat notice will be provided every 90 days as long as the exceedance continues. Such notice will

be provided in English or other appropriate language.

- Community water systems or nontransient noncommunity water systems will provide, within 14 days of the receipt of results, notification to each home tested of their own results, the scope of the testing conducted and the results, and referrals for any required medical intervention.
- Requires special emphasis on alerting parents, caregivers, and other individuals and entities of the significantly greater risks to infants, children and pregnant and lactating women posed by lead contamination of drinking water; and encouraging individuals and entities when appropriate to immediately modify behavior to minimize exposure to lead in drinking water.
- Requires the EPA to establish verification procedures to determine the effectiveness of public notification within six months.

PUBLIC EDUCATION PROGRAM

- Requires routine public education programs at community water systems or nontransient noncommunity water systems that is designed to improve the general level of public understanding of the risks posed by lead contamination and protective actions that can be taken. Public education programs include development and implementation of: an action program, community task force, voluntary household water testing program, public outreach education materials in the appropriate language. This requirement applies to community water systems and nontransient community water systems that, at any time after June 7, 1991, have exceeded or exceed the MCL or action level for lead.

FILTERS

- Requires that, upon exceeding the MCL or action level for lead, community water systems or nontransient noncommunity water systems provide on-location filters certified for lead removal to each residence, school, and day care facility in the service area of the community water system or nontransient noncommunity water system that could reasonably be expected to experience lead contamination of drinking water in excess of the MCL or action level for lead at any time after the date of exceedance.
- Requires filters and replacement filters to be provided until the system no longer exceeds the MCL or action level.
- Priority is given to vulnerable populations such as infants, children, and pregnant and lactating women; and to residences, schools, and day care facilities that should have priority based on testing results. Filters are explicitly to be made available regardless of whether individual residences are known to have lead service lines.
- On location filters should be certified by a third party certifier accredited by the American National Standards Institute (ANSI) to the appropriate National Sanitation Foundation (NSF) or ANSI standard for lead reduction if necessary.

FEDERAL BUILDINGS

- Establishes testing requirements and corrective actions for federal buildings.

MONITORING

- Requires a one-time testing program to ensure that community water systems or nontransient noncommunity water systems that are on a reduced monitoring program and have not tested for lead in drinking water since making corrosion control regime changes as a result of the Disinfectants and Disinfection Byproducts Rule.
- Modifies monitoring protocols to ensure that tests conducted under the national primary drinking water regulations for lead are conducted at 6-month intervals, that a statistically relevant sample is used that is fully representative of all types of residential dwellings and commercial establishments, and that increased testing is conducted after any substantial modification in the treatment of drinking water or during any period in which the drinking water exceeds the MCL or action level for lead.
- Requires that community water systems and nontransient noncommunity water systems re-evaluate and optimize corrosion control plans within one year of a change in water treatment or an exceedance of the MCL or action level for lead.

LEAD-FREE PLUMBING COMPONENTS

- Revises current Safe Drinking Water Act definition of “lead-free” for solder, flux, pipe, or any pipe or plumbing fitting or fixture as containing 0.2 percent lead.
- Defines “high lead” for any pipe, or pipe or plumbing fitting or fixture to mean 2.0 percent lead. Clarifies that this definition does not apply to plumbing components that do not come into contact with drinking water.
- Prohibits within one year the use of any pipe, or pipe or plumbing fitting or fixture in the installation or repair of any public water system or any plumbing in any residence or non-residential facility providing water for human consumption (including bathing) that is high lead and within 5 years any that are not lead-free.
- Requires that any plumbing fitting or fixture used in the installation or repair of any public water system or residential or non-residential facility providing water for human consumption (including bathing) be certified as meeting the requirements of NSF standard 61 by an independent third-party.
- Requires within one year a revision of NSF standard 61 to require test results less than or equal to 5 micrograms.
- If, within two years of the date of enactment, EPA determines that NSF has not revised standard 61 in the appropriate manner, this section would make it unlawful to import, manufacture, process, or distribute in commerce after that date any new plumbing fitting or fixture intended to dispense water for human

consumption (including bathing) that contains more than 0.2 percent lead.

REMOVING LEAD IN SCHOOLS

- Establishes requirements for testing and removing lead in schools and other educational facilities licensed by the State. Authorizes \$30 million for years 2007 – 2011 for this purpose.